

**DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAM
Northwestern School District
Accountability Review - Monitoring Report 2011-2012**

Team Members: Mary Borgman, Team Leader; Cindy Kirschman, Chris Sargent, and Linda Shirley, Team Members

Dates of On Site Visit: February 22nd, 2012

Date of Report: March 27, 2012

All non-compliance must be corrected within 1 year of this report date. Date Closed:

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
 - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
 - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
 - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
 - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

1. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR

ARSD 24:05:22:03. Certified child. A certified child is a child in need of special education or special education and related services who has received a multidisciplinary evaluation and has an individual education program formulated and approved by a local placement committee. Documentation supporting a child's disabling condition as defined by Part B of the Individuals with Disabilities Education Act must be maintained by the school district for verification of its annual federal child count. This definition applies to all eligible children ages 3 to 21, inclusive, and to only those children under the age of 3 who are in need of prolonged assistance.

ARSD 24:05: 25:01. Evaluation, consent, eligibility, and placement procedures required. Each school district shall establish and implement procedures which meet the requirements of this chapter, including nondiscriminatory practices, parental consent, initial evaluation, evaluation procedures, eligibility procedures, placement procedures, and reevaluation.

Corrective Action:

Prong 1: Correct each individual case of noncompliance

In the review of files, the monitoring team found comprehensive evaluation data was not consistently available to support student eligibility and/or services.

Student:	Required Action:	Data To Be Submitted:
<u>Student File # 3:</u> The student was on the child count under the eligibility category of 530 (Multiple Disabilities) for a Cognitive Disability and Orthopedic Impaired disability. On the Prior Notice for Consent, it indicated gross motor and fine motor assessments would be given. A gross motor report was in the student's file; however, it did not include any assessments or scores. No fine motor report was found among the student's reports. The notice also stated, "Medical information to be used to	<u>Student # 3:</u> The District must complete gross and fine motor standardized and skill-based assessments and document the results in a report(s). The student's IEP team must meet to determine whether the student meets the eligibility criteria for having an Orthopedic Impairment based on the motor assessments and procurement of a copy of the student's medical diagnosis. The team shall accordingly complete an eligibility	<u>Student File # 3:</u> The District will submit copies of: <ol style="list-style-type: none"> 1. Prior Notice for Consent to assess gross and fine motor skills using standardized and skill based assessments 2. Documentation of the motor skills results in a report(s) 3. Prior Notice for Meeting 4. Determination of

assist in developing a plan for ..." An assessment report stated the student had a Rhett's Syndrome Disorder, however, no medical information/report or diagnosis was found in the student's records.	form and amend the student's IEP.	Eligibility/Continued Eligibility form 5. Amended IEP PLAAFPs/ annual goals
<u>Student File # 4:</u> This student was on the Child Count under the category of Autism (560). The Prior Notice for Consent did not state the required assessment areas of Language and Behavior. In addition, the student's Autism diagnosis was not pulled forward. Page 2 of an Extension for the Evaluation was found in the file; however, the first page was not in the file.	<u>Student # 4:</u> The District will pull forward the student's Autism diagnosis, as well as assess the student's standardized scores and skill based assessment strengths/needs in the areas of Language and Behavior. Report(s) will be written with the Language and Behavior standardization and skill based results. The IEP team will meet to review the student's assessment reports, determine eligibility, and amend the IEP.	<u>Student # 4:</u> The District will submit copies of: 1. Prior Notice for consent 2. Assessment reports 3. Prior Notice for the Meeting 4. Determination of Eligibility/Continued Eligibility Form 5. Amended IEP
<u>Student File # 8:</u> On the Child Count, this student was identified under the Visual Loss disability category (540). The Prior Notice for Consent did not state a current Ophthalmological report would be used as part of student's evaluation or an adaptive behavior assessment would be given.	<u>Student # 8:</u> The District will complete standardized and skill based adaptive behavior assessment and write a report, as well as pull forward a current Ophthalmological report. The adaptive behavior assessment report and current Ophthalmological report will be reviewed by the IEP team to verify the student's Vision Loss eligibility and amend the student's IEP.	<u>Student # 8:</u> The District will submit copies of: 1. Prior Notice for Consent for a pulling forward a current Ophthalmological report and adaptive behavior standardized and skill based assessments 2. Current Ophthalmological report and adaptive behavior standardized and skill based assessments with reports 3. Prior Notice for the Meeting 4. Determination of Eligibility form 5. Amended IEP
Timeline For Completion: 45 school days from the District's receipt of the final report		
<u>Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of <u>updated data</u>.</u>		
Required Action: The District must consistently provide a Prior Notice for Consent with all of the areas listed that will be evaluated and indicate if previous medical and/or evaluation data will be used during the current evaluation to ensure the completion of a comprehensive evaluation to develop a student IEP in accordance		

with policy, procedure, and practice.

Data To Be Submitted:

The District shall submit the following information for three students initially evaluated or reevaluated:

1. Prior Notice for Consent
2. Standardized and skill-based evaluation reports
3. Prior Notice for the Meeting
4. Determination of Eligibility/Continued Eligibility document
5. IEP, if applicable

Target Date for Completion: December 1, 2012

All non-compliance must be corrected within 1 year of this report date.

Date:

Status Report:

2. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR

ARSD 24:05:30:04. Prior notice. Written notice which meets the requirements of § 24:05:30:05 must be given to the parents five days before the district proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child. The five-day notice requirement may be waived by the parents.

ARSD 24:05:25:04.02. Determination of needed evaluation data. As part of an initial evaluation, if appropriate, and as part of any reevaluation, the individual education program team required by § 24:05:27:01.01 and other qualified professionals as appropriate with knowledge and skills necessary to interpret evaluation data, shall:

- (1) Review existing evaluation data on the child, including:
 - (a) Evaluations and information provided by the parents of the child;
 - (b) Current classroom-based local or state assessments and observations; and
 - (c) Observations by teachers and related services providers; and
- (2) Based on the above review and input from the student's parents, identify what additional data, if any, are needed to determine:
 - (a) Whether the student has a particular category of disability as described in this article;
 - (b) The present levels of academic achievement and related developmental needs of the student; and
 - (c) Whether the student needs special education and related services.

The school district shall administer assessments and any other evaluation materials as may be needed to produce the data required to make the determinations listed in subdivision (2) of this section. If no additional data are needed to make the determinations listed in subdivision (2) of this section,

the school district shall notify the student's parents of this fact and the reasons for this decision. The group described in this section may conduct its review without a meeting.

Corrective Action:

Prong 1: Correct each individual case of noncompliance

On the Prior Notice for Consent, there was inconsistency regarding the inclusion of parent input into his/her child's evaluation.

Student:	Required Action:	Data To Be Submitted:
Student File # 1: The Prior Notice for Consent did not include parent input into the evaluation.	Student # 1: Individual correction of non-compliance cannot be corrected. The District to ensure the Prior Notice for Consent includes parent input into the evaluation to comply with policy, procedure, and practice.	Student # 1: Refer to prong # 2 in the # 1 General Supervision
Student File # 2: No parent input into the evaluation was documented on the Prior Notice for Consent.	Student # 2: Individual correction of non-compliance cannot be corrected. The District to ensure the Prior Notice for Consent includes parent input into the evaluation to comply with policy, procedure, and practice.	Student # 2: Refer to prong # 2 in the # 1 General Supervision
Timeline for Completion: December 1, 2012		

3. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR

ASRD24:05:27:01.03. Content of individualized education program. Each student's individualized education program shall include:

- (1) A statement of the student's present levels of academic achievement and functional performance, including:
 - (a) How the student's disability affects the student's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students); or
 - (b) For preschool student, as appropriate, how the disability affects the student's participation in appropriate activities;
- (2) A statement of measurable annual goals, including academic and functional goals, designed to:
 - (a) Meet the student's needs that result from the student's disability to enable the student to be involved in and progress in the general education curriculum; and

(b) Meet each of the student's other educational needs that result from the student's disability

For students with disabilities who take alternate assessments aligned to alternate achievement standards, each student's IEP shall provide a description of benchmarks or short-term objectives;

(3) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student:

- (a) To advance appropriately toward attaining the annual goals;
- (b) To be involved and make progress in the general education curriculum in accordance with this section and to participate in extracurricular and other nonacademic activities; and
- (c) To be educated and participate with other students with disabilities and nondisabled students in the activities described in this section;

(4) An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in activities described in this section;

(5) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on state and district-wide assessments consistent with § 24:05:14:14. If the IEP team determines that the student shall take an alternate assessment instead of a particular regular state or district-wide assessment of student achievement, a statement of why:

- (a) The student cannot participate in the regular assessment; and
- (b) The particular alternate assessment selected is appropriate for the student;

(6) The projected date for the beginning of the services and modification described in this section and the anticipated frequency, location, and duration of those services and modifications;

(7) A description of how the student's progress toward the annual goals described in this section will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided;

(8) Beginning not later than the first IEP to be in effect when the student turns 16, or younger if determined appropriate by the IEP team, and updated annually thereafter, the IEP shall include:

- (a) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills; and
- (b) The transition services (including courses of study) needed to assist the student in reaching those goals; and

(9) Beginning not later than one year before a student reaches the age of majority under state law, the student's individualized education program must include a statement that the student has been informed of his or her rights under Part B of the Individuals with Disabilities Education Act, if any, that will transfer to the student on reaching the age of majority consistent with § 24:05:30:16.01.

Corrective Action:**Prong 1: Correct each individual case of noncompliance**

Through the review of student files, the monitoring team found the IEP and services did not consistently meet the educational needs that resulted from the student's disability to provide educational benefit.

Student:	Required Action:	Data To Be Submitted:
Student File # 2: This student was reported under the Other Health Impaired category (555). The statement, "Does the student's behavior impede his or her learning or that of others?" was checked , "Yes,"; however, the statements did not include positive behavioral interventions or supports. The Special Education and Related Services section did not specifically address behavior; for example, "... will receive services with daily tasks that involve frustration levels increasing such as math deadlines, completion of comprehension questions involving details, inferences, and summary skills."	Student # 2: The district will amend the student's IEP with positive interventions and supports under the statement, "Does the student's behavior impede his or her learning or that of others?"	Student # 2: The District will submit: <ol style="list-style-type: none"> 1. Prior notice for the meeting 2. Amended IEP
Student File # 3: This student was reported on the Child Count under the category of Multiple Disabilities (530). The IEP PLAAFPs did not include parent input and addressed how the student's disability affected his/her involvement and progress in the general curriculum separately for each area of need. There were justification statements using the "accept/reject" format, but under the accepted placement justification statement were four sentences describing the student's services. The statements addressed the amount of time the student would be in the general classroom with a paraprofessional, occupational therapy, and physical therapy services.	Student # 3: The District must include parent input and a statement of how the student's disability affects his/her involvement and progress in the general curriculum on the IEP PLAAFPs and a justification statement using the "Accept/Reject" format for placement explaining the student's need for services.	Student # 3: Refer to prong 2 in the # 1 General Supervision section

Student File # 4: On the Child Count, this student was reported under the category of Autism (560). The IEP PLAAFPs page did not include parent input.	Student # 4: Individual correction of non-compliance cannot be corrected. The District to ensure the Prior Notice for Consent includes parent input into the evaluation to comply with policy, procedure, and practice.	Student # 4: Refer to prong 2 in the # 1 General Supervision section
Student File # 5: This student was reported on the Child Count under the category of a Specific Learning Disability (525). The IEP statement, “ Does the student’s behavior impede his or her learning or that of others?”, was checked , “Yes.” The statements below the question included accommodations, not positive behavioral interventions or supports. Examples of the statements were; assignment notebooks, tests taken in the Resource Room with modifications, and, outlines used to assist ... in writing tasks.	Student # 5: The district will amend the student’s IEP with positive interventions and supports under the statement, “Does the student’s behavior impede his or her learning or that of others?”	Student # 5: The District will submit: <ol style="list-style-type: none"> 1. Prior notice for the meeting 2. Amended IEP
Student File # 6: This student was reported under the Cognitive Disability (510) category on the Child Count. The IEP PLAAFP page did not have parent input or social/behavioral strengths/needs. The Special Education and Related Services section did not separately describe each area of services or specific minutes for each area.	Student # 6: The District will amend the student’s PLAAFP’s with inclusion of parent input, and include the social/behavioral strengths/needs on the PLAAFP’s and in the annual goals.	Student # 6: The District will submit copies of: <ol style="list-style-type: none"> 1. Prior notice for the meeting 2. Amended IEP
Timeline For Completion: 45 school days from the District’s receipt of the final report		

4. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE

State Performance Plan - Indicator 3: Participation and performance of children with disabilities on statewide assessments.

1. Percent of districts meeting State’s AYP objectives for progress for disability subgroup.
2. Participation rate for children with IEPs in a regular assessment with not accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.
3. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.

Corrective Action:**Prong 1: Correct each individual case of noncompliance**

Through a review of six student files, data gathered by the team indicated accommodations/modifications were not consistently provided; used for instruction, during the assessment administration, or documented appropriately.

Student:	Required Action:	Data To Be Submitted:
	<p>Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.</p> <p>Activity/Procedure:</p> <ol style="list-style-type: none"> 1. The District will review current policy/procedure to determine why discrepancies are occurring. 2. Develop a process that will allow for the appropriate documentation and provision of accommodations for state/district assessments. 3. Train IEP staff and testing coordinator in the procedures/process. 4. Implement procedures and collect data to verify accommodation are appropriately documented and provided during state/district assessments. 	<p>The District will collect and submit to SEP the following data:</p> <ol style="list-style-type: none"> 1. Written description of the District's review process to identify why the discrepancies are occurring. 2. Written description of the process the District will implement to correct the discrepancies. 3. Training documentation to include the date staff training occurred, name of individual who provided the training and sign-in sheet with the names of all participants/position titles, who attended the training.
Timeline for Completion: September 1, 2012		

Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data.**Required Action:**

Implement policy/procedure/practice identified in Prong #1.

Data To Be Submitted:

Data submitted for Prong #1 will be used to verify correction.

All non-compliance must be corrected within 1 year of this report date.

Target Date for Completion: September 1, 2012

Status Report:

STATE PERFORMANCE PLAN-PERFORMANCE INDICATORS

Indicator 3: Participation and Performance on Statewide Assessments: Participation and performance of children with disabilities on Statewide Assessments.

A) The District met the State's AYP (Annual Yearly Progress) objective for the students with disabilities subgroup in statewide assessment.

State Target: 100%

District Rate: 100%

District's Response: Northwestern staff believes that all children can learn and test; thus, we highly encourage all students to take the statewide test serious regardless of ability or disability.

Reading:

C) Proficiency target for the subgroup of students with disabilities in statewide assessment.

State Target: 69% or higher

District Rate: 53.85%

District's Response: An additional certified teacher was hired to work in small groups with all students needing assistance in grades K – 8.